

REMARKS

By the foregoing Amendment, the specification has been amended to provide a description of the raised and lowered positions 47a and 47b shown in Fig. 1, and Claims 20 and 21 have been amended. Favorable reconsideration of the application is respectfully requested.

The Examiner objected that the term "telescoping member" in Claim 20 at line 3 should read "telescoping pole members" and that in Claim 21 the term "the medially located aperture" lacked proper antecedent basis. Claims 20 and 21 have been amended in accordance with the Examiner's suggestions, so that it is believed that the objections to the wording of Claims 20 and 21 can be withdrawn.

The Examiner objected to the specification as failing to provide antecedent basis for the term "a ramped channel" used in Claim 21, and objected to the drawings as not showing "a ramped channel." The Examiner's attention is directed to the specification at page 6, line 29 describing the ramped channel 82, and to Fig. 8 showing the ramped channel 82. It is believed that the Examiner's objections concerning antecedent basis for the ramped channel can therefore be withdrawn.

Claims 20-22 were rejected under 35 U.S.C. 102(b) on the grounds of anticipation by Emard, disclosing a canopy shelter with an arch assembly having telescoping members 11 and 12 with a push button latch 18 on a leaf spring in a telescoping section. Fig. 6 of Emard shows the configuration of one of the push button latches mounted in a telescoping section 4 of a leg assembly, which is slidable within a telescoping section 3.

From Fig. 2 of Emard, it is apparent that the telescoping section 12 of the arch assembly corresponds to the telescoping section 4, and would thus correspond to the claimed second telescoping section, since Claim 20 recites that the spring loaded detent pin is mounted to the second telescoping section. Telescoping section 11 of the arch assembly of Emard thus corresponds to the claimed first telescoping section of the invention. Claim 20 recites "means for blocking the spring loaded detent pin when the first telescoping section is above the second telescoping section to allow the telescoping pole assembly to be raised to a fully extended position." It is apparent from Fig. 2 of Emard that the telescoping section 11 corresponding to the claimed first telescoping section is never above the telescoping section 12 which corresponds to the claimed second telescoping section in which the spring loaded detent pin is loaded. It is therefore respectfully submitted that Emard fails to teach, disclose or suggest means for blocking a spring loaded detent pin when a first telescoping section is above a second telescoping section in which the spring loaded detent pin is mounted to allow the telescoping pole assembly to be raised to a fully extended position, as is claimed.

Assuming that the position of mounting of the spring latch in Emard were to be switched to be mounted on the lower telescoping section 11, which would then correspond to the claimed second telescoping section, the upper telescoping section 12 of Emard would correspond to the claimed first telescoping section. Claim 20 recites "the means for blocking the spring loaded detent pin not blocking the spring loaded detent pin when the first telescoping section is below the second telescoping section." However, it is clear from Fig. 2 of Emard that the upper telescoping section 12 which would then

correspond to the first telescoping section is never below the lower telescoping section 11 which would correspond to the claimed second telescoping section. It is therefore respectfully submitted that Claims 20-22 are novel and inventive over Emard, and that the rejection of Claims 20-22 on the grounds of anticipation by Emard should be withdrawn.

Claims 20-22 were rejected under 35 U.S.C. 102(b) on the grounds of anticipation by Lynch '635. Fig. 3 of Lynch '635 shows a button latch 45 extending externally from a lower telescoping section 44, indicating that the button latch 45 is mounted in the upper telescoping section 42, which would then correspond to the claimed second telescoping section in which the spring loaded detent pin is mounted, according to Claim 20. Fig. 3 of Lynch '635 therefore shows the upper telescoping section 42 corresponding to the claimed second telescoping section latched in a fully extended position above the lower telescoping section 44 corresponding to the claimed first telescoping section, and Figs. 4 and 5 of Lynch '635 show the telescoping section 42 corresponding to the claimed second telescoping section unlatched in an unextended position below the telescoping section 44 corresponding to the claimed first telescoping section. Claim 20 recites "the means for blocking the spring loaded detent pin not blocking the spring loaded detent pin when the first telescoping section is below the second telescoping section to allow the telescoping pole assembly to be locked in an unextended position." It is respectfully submitted that Lynch '635 does not teach, disclose or suggest not blocking a spring loaded detent pin to allow the telescoping pole assembly to be locked in an unextended position, as is claimed, and that Claims 20-22 are novel and inventive over Lynch '635. It is therefore

respectfully submitted that the rejection of Claims 20-22 on the grounds of anticipation by Lynch '635 should be withdrawn.

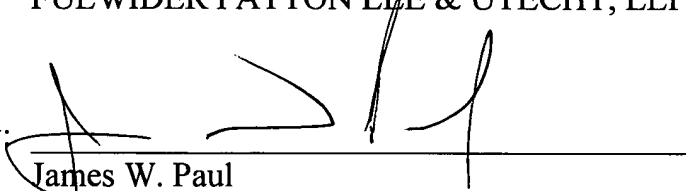
Applicant has reviewed the additional prior art made of record and not relied upon, and it is believed that the additional prior art made of record and not relied upon is no more pertinent than the references actually applied.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:


James W. Paul
Reg. No. 29,967

JWP/rvw

Encls.: Return Postcard

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
69902.1